

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 3:94-CR-65-BO12

UNITED STATES OF AMERICA)
v.)
WILLIAM DAVID WILSON)
)

ORDER

This matter is before the Court on the petitioner's motion to correct sentence [DE 556].

For the reasons stated herein, the defendant's motion is DENIED.

On June 20, 1995, the petitioner was sentenced to 360 months' imprisonment. On April 20, 2012, this Court granted the petitioner's motion pursuant to 28 U.S.C. § 2255 and vacated the petitioner's sentence. On February 20, 2013, the Court resentenced the petitioner to 270 month's imprisonment. Petitioner stated in his instant motion to correct sentence that he believes the court arrived at this figure through arithmetical error and instead intended for the petitioner to be released immediately. Counsel raised similar concerns at the sentencing hearing and the Court confirmed that the sentence of 270 months was indeed the sentence intended. Federal Rule of Criminal Procedure 35(a) allows the Court to correct a sentence that it imposed by arithmetical error. The Court finds no such error here and, as such, denies the petitioner's motion.

SO ORDERED.

This the 1 day of April, 2013

Terrence Boyle
TERRENCE W. BOYLE
United States District Judge